

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

KATHRYN BAUMAN RUBENSTEIN,)	
)	
PLAINTIFF,)	
)	
VS.)	CIVIL CASE NO.: 1:07cv798-MHT
)	
BETTY JO BAUMAN, et al.,)	
)	
DEFENDANTS.)	

REPLY OF DEFENDANTS MARILYN BAUMAN GRANGER, BENNIE WAYNE GRANGER, GRANGER LIMITED, INC., BARBARA BAUMAN KAMENSKY, ALLEN E. KAMENSKY, LEE & McINISH, P.C., WILLIAM L. LEE, III, ESQ., JOEL WEATHERFORD, ESQ., FARMER, PRICE, HORNSBY & WEATHERFORD, L.L.P., LEXA DOWLING, ESQ. AND JERE SEGREST, ESQ.

COME NOW the Defendants, Marilyn Bauman Granger, Bennie Wayne Granger, Granger Limited, Inc., Barbara Bauman Kamensky and Allen E. Kamensky, together with Lee & McInish, P.C., William L. Lee, III, Esq., Joel Weatherford, Esq, Farmer, Price, Hornsby & Weatherford, L.L.P., Lexa Dowling, Esq. and Jere Segrest, Esq., by and through their undersigned counsel and respectfully make known to the Court the following:

1. These Defendants filed against Plaintiff motions for sanctions pursuant to Rule 11 of the *Federal Rules of Civil Procedure*.

2. On January 28, 2008, this Court ordered the Plaintiff to file her response on or before February 8, 2008 and cautioned that if no response was filed it would construe “the facts and allegations in the Motions as true.” (Doc. 162).

3. The Defendants were given until February 15, 2008 to file their respective responses. (Doc. 162).

4. These Defendants were not served with any response by Plaintiff either before or after February 8, 2008.

5. On February 15, 2008, one (1) week past her deadline, Plaintiff filed a "Motion for Instructions" in which she asks the Court to clarify whether its previous order denying certain motions for sanctions meant she did not have to comply with the Court's order.

6. Had Plaintiff carefully read the Court's previous orders she would have ascertained that the motions for sanctions filed by these Defendants were not denied.

7. If Plaintiff had any concerns about whether she should respond to the motions for sanctions, she should have sought guidance from the Court **before** her deadline expired, not one (1) week later.

WHEREFORE, pursuant to the Court's January 25, 2008 Order, these Defendants request that the Court consider the Motions for Sanctions as factually true and award the appropriate relief accordingly.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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I further certify that I have served the following by placing a copy thereof in the United States Mail, postage prepaid and property addressed to the following non-CM/ECF participants:

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